

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL KEITH WILLIAMS,

Plaintiff,

v.

KENNETH L. WAINSTEIN, MERRICK
GARLAND, CHRISTOPHER WRAY,
ALEJANDRO MAYORKAS, and
CHARLES KABLE, JR.,

Defendants.

8:23CV136

ORDER

This matter is before the Court on the magistrate judge's¹ August 16, 2023, Findings and Recommendation (Filing No. 17), recommending the Court dismiss this case "without prejudice for failure of service pursuant to Federal Rule of Civil Procedure 4(m)." *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); NECivR 72.2. In making that recommendation, the magistrate judge described his efforts to help *pro se* plaintiff Michael Keith Williams ("Williams") effect proper service under Rule 4 and Williams's failure to do so. The magistrate judge also cited *Ackra Direct Marketing Corp. v. Fingerhut Corp.*, 86 F.3d 852, 856 (8th Cir. 1996), for the familiar proposition that proceeding *pro se* generally "does not excuse a party from complying with a court's orders and with the Federal Rules of Civil Procedure."

Section 636(b)(1) allows a party to object in writing to a magistrate judge's "proposed findings and recommendations" regarding a dispositive matter "[w]ithin fourteen days after being served with a copy" of the proposed disposition. *Accord* Fed. R.

¹The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

Civ. P. 72(b)(3); NECivR 72.2. The Clerk of Court mailed Williams a copy of the Findings and Recommendation on August 16, 2023. To date, he has not objected.

If a party timely objects to a magistrate judge's proposed findings or recommendation, the Court must review those objections de novo. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). If no one objects, however, further review is unnecessary. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009) (“[T]he failure to file objections eliminates not only the need for de novo review, but *any* review by the district court.”). Such is the case here.

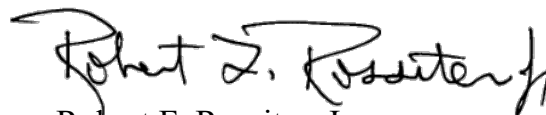
Because Williams did not timely object to the magistrate judge's sound Findings and Recommendation,

IT IS ORDERED:

1. The magistrate judge's Findings and Recommendation (Filing No. 17) is accepted.
2. This case is dismissed without prejudice.

Dated this 6th day of September 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge